


New York State Energy Research and Development Authority

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Ms. Wendy Dixon
 EIS Project Manager
 M/S 010
 U.S. Department of Energy
 Office of Civilian Radioactive Waste Management
 Yucca Mountain Site Characterization Office
 P.O. Box 30307
 North Las Vegas, NV 89036-0307

Dear Ms. Dixon:

New York State has received the U.S. Department of Energy's (DOE's) *Draft Environmental Impact Statement For A Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*, dated July 1999. NYSERDA is responsible for coordinating the views of New York's agencies on Federal nuclear waste policy matters. In this regard, NYSERDA herewith offers the comments of cognizant New York staff for DOE's consideration as it proceeds with its critical radioactive waste management decision process.

New York currently hosts six operating nuclear power plants and one plant in a "safstor" mode, each faced with continued on-site management of spent nuclear fuel pending the availability of a federal repository. In addition, the joint DOE - New York State West Valley Demonstration Project has produced and is now storing vitrified high-level radioactive waste that must eventually be disposed of in a federal repository, pursuant the West Valley Demonstration Project Act (Public Law 96-368). Clearly, it is important to New York that DOE fulfills its statutory radioactive waste management mission, which is the subject of the Draft EIS.

New York offers no specific comments regarding the technical suitability of the proposed Yucca Mountain site or DOE's proposed facility design. The site and design must meet all applicable health and safety and environmental criteria established by the U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency. We note also that DOE has concluded that the analyses in the EIS did not identify any potential environmental impacts that would be a basis for not proceeding with the proposed repository at Yucca Mountain.

New York is strongly opposed to either of the DOE defined "No-Action Alternatives", which would result in the indefinite management of spent fuel and high-level waste at the 80-plus sites where it is currently stored. These sites were not selected, evaluated or approved for long-term management (i.e., 100s to 1,000s of years) of spent fuel or high-level radioactive waste. In New York, these sites are located either directly on, or closely up-stream from, major water bodies. It is hard for New York to see how its four above-ground storage sites in a relatively wet climate (frequently over 40 inches of rain per year), with vicinity population densities as high as 2,000 persons per square mile, can be viewed as environmentally

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continued preferable to geologic disposal in the very sparsely populated desert environment found at Yucca
3 Mountain. Further, the No-Action Alternatives do not meet the mandate of the Nuclear Waste Policy Act,
which is to dispose of high-level radioactive waste in a geologic repository.

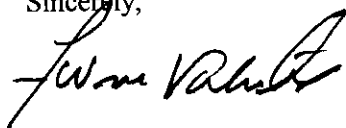
The Nuclear Waste Policy Act mandated that DOE begin accepting spent nuclear fuel from nuclear power plants in January 1998. DOE entered into contracts with plant operators committing to such action. Electric rate payers, through plant operators, have in turn contributed over \$16 Billion to the Nuclear Waste Fund to support the development of a spent fuel/high-level radioactive waste disposal facility and supporting infrastructure. New York ratepayers, alone, have already contributed over \$621 million to the Fund, with a total commitment exceeding \$1 billion when pre-1983 assessments are considered. While the ratepayers have lived up to their end of the agreement, DOE has not.

4 Federal delay in accepting spent nuclear fuel creates additional economic burdens for states. First, plant operating costs increase due to the need to store spent fuel at existing reactor sites. These costs include capital, O&M, property taxes and insurance for wet- and dry-fuel storage over an indefinite period of time. Several New York plants have already modified their spent fuel pools (more than once) to store more fuel. Each New York nuclear plant will also need to invest in dry-cask storage before the modified pools are filled to capacity. Second, decommissioning costs are projected to increase in the range of \$100 million or more, per plant, depending on the length of the federal delay and the eventual acceptance rate after the fuel begins to move. Third, existing generation sites may not be available for re-powering until the spent fuel is removed, requiring additional investment to develop alternate electric generation sites to serve load. Finally, the important clean-air benefits of nuclear power might be lost if the increased costs resulting from the delay in resolving spent fuel storage and disposal issues renders the nuclear option uncompetitive with fossil alternatives.

5 New York appreciates that establishing a repository that must isolate high-level radioactive waste for thousands of years is a daunting challenge. While advocating the national interest to safely dispose of spent nuclear fuel and high level waste, New York is also sensitive to the complaint of Nevadans -- that they not bear an undue burden attributable to this project. The Federal government needs to offset host state and host community impacts through appropriate financial compensation and other mitigation measures (e.g., use of more isolated transportation routes like the Caliente-Chalk Mountain Corridor). However, DOE must, at the same time, proceed with all deliberate speed lest its failure to act results in unnecessary increases in the cost of electricity and the de facto creation of 80-plus repositories with significantly greater costs and risks.

Thank you for the opportunity to provide New York's views on this matter.

Sincerely,



F. William Valentino
President